

EXHIBIT G



United States Department of State

Washington, D.C. 20520

November 6, 2006
Case Number: 200603432

S. Jacob Scherr, Esq.
Senior Attorney
Director, International Program
Natural Resources Defense Council
1200 New York Avenue, NW, Suite 400
Washington, DC 20005

Dear Mr. Scherr:

This is in response to your letter dated August 9, 2006, in which you appealed our decision to deny a fee waiver in your request for information regarding logging and/or trade of Bigleaf Mahogany from Peru.

The Freedom of Information Act (FOIA), in providing for fee waivers, states:

“Documents shall be furnished without any charge or at a charge reduced below the fees established...if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.”

As you can understand, when the public pays, as is true in situations when fee waivers are granted for the processing of FOIA requests, it must be shown that the subject of the requested records concerns “the operations or activities of government,” and that a significant number of people will gain understanding of government operations if the documents are released. Further, the requester

Office of Information Programs and Services
U.S. Department of State SA-2
Washington, DC 20522-8100
Web site: foia.state.gov

Inquiries:
Phone: 1-202-261-8314
FAX: 1-202-261-8579
email: FOIAStatus@state.gov

-2-

must demonstrate that he/she has expertise in the subject matter as well as the ability to disseminate the information contained in the documents (22 CFR 171.17).


Based upon the information that you have provided, it does not appear that your request meets these criteria. Disclosure of the record(s) requested would contribute only to the understanding of a limited number of interested persons rather than the understanding of the public at large.

Our decision must be that the proposed use of State Department material does not meet the threshold requirement of "likely to contribute significantly to public understanding of the operation of or activities of the government."

Accordingly, your request for a fee waiver is denied.

If you have any questions, please do not hesitate to contact us. We can provide faster service if you include the case number of your request in your communications with us.

Sincerely,


Mary Therese Casto
Acting Division Chief
Requester Liaison Division

Fee Waiver Information Sheet

It is the Department's policy to treat each request for a fee waiver on a case-by-case basis. As noted in our letter, before we can make a decision about your request for fee waiver or fee waiver appeal, we need additional information concerning your request and your intended use of the requested documents. Please provide the following:

1. State why you believe the subject matter of your request concerns the operations or activities of the Federal Government.
2. From what other sources have you attempted to obtain this information? Have you tried to obtain this information from the Foreign Relations of the United States, the National Archives and Records Administration, or public libraries? Demonstrate the absence of the requested information from the public domain.
3. Provide a summary of your educational background and work experience, particularly in the field of foreign affairs, and your expertise in the subject area of your request.
4. Expand on your ability and intent to disseminate the information requested. E.g., Have you published or disseminated information in this or related fields in the past? Is the information requested to be used in a specific article or paper currently being prepared? When is the article to be published or the program to be aired? To what audience is the article or program aimed?
5. Identify the particular person who will actually use the requested information in scholarly or other analytical work and then disseminate it.
6. Describe any commercial interest which would be furthered by the disclosure of the requested information, e.g., will you be paid for the publication or dissemination of the requested information? If so, how much will you be paid and in what manner will you receive payment? Will you receive any other type of commercial benefit due to your dissemination of the requested information? A "commercial interest" is one that furthers a commercial, trade, or profit interest as those terms are commonly understood.
7. If your request for a fee waiver is not granted, we need your written assurance that you are willing to pay the fees associated with the processing of your request. You may set a limit on the amount you are willing to pay. In some cases, we will not be able to make a determination about a fee waiver until the processing of the request has been completed, at which time an independent evaluation will be made of the releasable material.

Please send this information to: Office of Information Programs and Services, A/RPS/IPS/RL, Room 8100, Department of State, 515 22nd Street, N. W., Washington, D.C. 20522-8100. Refer to your request number in your correspondence to us.